

FINAL REPORT

SIMSBURY CHARTER REVISION COMMISSION

JANUARY 27, 2006

MEMBERS:

**Carl Eisenmann
William Ethier
Charles L. Howard
Anita Mielert
John B. Ritson
Linda Schofield
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I. INTRODUCTION

On November 17, 2005, the Simsbury Charter Revision Commission ("Commission") forwarded its Draft Report to the Board of Selectmen. The Chair of the Commission presented the major recommendations from the Report to the Selectmen at their meeting on December 12, 2005 and again at the Public Hearing on the recommended Charter held by the Board of Selectmen on December 15, 2005. The recommendations of the Commission were then discussed at the Selectmen's meeting on December 19, 2005, and a letter was sent to the Commission from the Town Attorney on behalf of the Board of Selectmen requesting that the Commission reconsider various provisions of the Draft Charter. The letter of the Town Attorney, dated December 29, 2005, is attached hereto as Exhibit A. After receipt of the December 29, 2005 letter, the Commission received additional comment from the public and the Board of Education. In addition, the Commission met with the Board of Selectmen at a Special Meeting on January 11, 2006 to discuss the changes requested in the December 29, 2005 letter. The Commission held additional Special Meetings on January 18, 26, and 27, 2006 to discuss and approve this Final Report and the Final Recommended Charter attached as Exhibit B (clean copy) and Exhibit C (black lined copy comparing changes to current Charter). With the submission of this Report, - the Commission has completed its work.

II. SUMMARY OF RECOMMENDATIONS

The Commission revised the provisions in Section 506 of the Charter to provide for an Automatic Referendum on Town Meeting matters pursuant to Section 503 in excess of 2% of the annual budget and for matters brought to a Town Meeting pursuant to the power of initiative under Section 504 in excess of 1% of the annual budget. Based on the strong recommendations of the Town Attorney and the Town's Bond Counsel, the Commission did not make related changes to Sections 909(c), 914, and 503 to totally eliminate the Special Town Meeting for all matters within the scope of Section 503. Matters such as approval of bonding, sale of real property or acceptance of grants will still be brought to a Special Town Meeting for final approval. Thus, in summary, (1) the Board of Selectmen and the Special Town Meeting will have legislative authority for all matters involving expenditures less than 2% of the current town budget; (2) there will be no authority to petition a Special Town Meeting to act on proposed expenditures less than 1 % of the current town budget (these matters are within the authority of the Board of Selectmen); (3) Electors may petition under Section 504 for a Special Town Meeting on proposed expenditures in excess of 1% of the current town budget, but the final vote on all such proposed expenditures will go to automatic referendum; and (4) the Special Town Meeting will remain as the legislative authority for those matters listed in Section 503 that do not relate to appropriations.

- The Commission retained Section 903 dealing with the preparation of the Capital Improvement Program (“CIP”)-but eliminated the need for approval by four affirmative votes by the Board of Finance on a matter not on the previous year’s CIP for inclusion in the capital budget. The Commission also modified the standard applicable to a vote by the Board of Selectmen, so that items not appearing on a previous year’s CIP may be presented to the Town for approval if deemed to be in the public interest by four affirmative votes of the Board of Selectmen. The Commission understood the Selectmen to be primarily concerned with the administrative complexity and the work/time burden of the initial proposal. The changes finally adopted are responsive to this concern and make it easier for the Selectmen to over-ride the proposed requirement of a project being in the prior year’s CIP, both by simplifying and lowering the criteria for making such a decision and by eliminating the Board of Finance vote on the matter. Since the Board of Finance has the ultimate vote on such initiatives in any event, the Commission concluded that an additional vote was unnecessary. We did not rescind the CIP provision in its entirety, however, because we felt strongly that it is important that the various elements of town government provide the Selectmen and the voters with more advance information about pending and predictable projects. Such information will strengthen the Selectmen’s and the voters’ ability to prioritize spending projects: and to vote accordingly.

- The Commission retained the provision for four-year terms for Boards and Commissions, as provided in the Draft Charter presented with the November 17, 2005 Report but revised the language in Section 301 dealing with the transition to the new Charter and also changed Section 205 relating to when candidate elected to fill unexpired terms take office. Our revisions accommodate the Selectmen’s request that no incumbent elected to a six-year term be forced to run for re-election under the new Charter prior to completing at least four years of that term.

- The Commission decided not to include in the Recommended Charter a reference to the Director of Administrative Services or the Library Director but did revise the reference in Section 804 to certain staff positions. As indicated in the meeting with the Selectmen, we felt that it was important that the key staff to the First Selectman be an appointee in whom the First Selectman has trust and confidence. A new First Selectman should be able to appoint a new Director of Administrative Services if he or she believes it is appropriate to do so. The Library Director position is already in a town ordinance and thus does not need to be in the Charter.

- The Commission revised the provision in Section 1111 to provide that the effective date of the new Charter is January 1, 2007, except as set forth in Section 1101, which was also revised to abolish all existing commissions, boards, departments and offices as of the first Monday of December, 2007.

This will allow the Charter to become effective without waiting until after the November 2007 elections but will also allow for an orderly transition of offices.

- The Board also made typographical and other minor changes.

Respectfully submitted,

(Signature on File)

Charles Howard, Chair

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